

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

## **RULE 26(f) CONFERENCE REPORT AND DISCOVERY PLAN**

Plaintiff William Morgan (“Plaintiff”) and Defendant CMG Mortgage, Inc. d/b/a CMG Financial (“Defendant”), by and through counsel, submit this Rule 26(f) Conference Report and Discovery Plan in accordance with Fed. R. Civ. P. 26(f). The counsel identified below participated in the meeting required by Fed.R.Civ.P. 26(f), telephonically on **October 11, 2022**, and agreed to the following:

1. **Synopsis of case:** On July 26, 2022, the Plaintiff brought this action against the Defendant alleging violations of the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2605, 12 C.F.R. § 1024.41 and 14 M.R.S. § 6113.
2. **Initial Disclosures:** The parties have completed or will complete the initial disclosures required by Fed. R. Civ. P. 26(a)(1) by **November 1, 2022**.
3. **Discovery Plan:** The parties propose this discovery plan:

- (a) **Subjects:** Discovery will be needed on all issues presented by the Complaint: namely Plaintiff's theories of liability and damages and Defendant's defenses.
- (b) **E-Discovery:** Disclosure or discovery of electronically stored information will be addressed in a separate report or agreement which will be provided to the Court by **November 11, 2022.**
- (c) **Discovery Cutoff Date:** All discovery will be commenced in time to be completed by **May 15, 2022.**
- (d) **Reports of Retained Expert:** At this time the parties have not yet determined whether expert witnesses will be needed. If Plaintiff determines expert witnesses are needed, reports and disclosures from such experts shall be made in accordance with Fed. R. Civ. P. Rule 26(a)(2) by **March 13, 2023.** If Defendant determines expert witnesses are needed, reports and disclosures from such experts shall be made in accordance with Fed. R. Civ. P. Rule 26(a)(2) by **April 17, 2023.**
- (e) **Number of Depositions, Interrogatories, Requests for Production and Requests for Admissions:** Each side will be permitted 30 interrogatories, 30 requests for admissions, 10 depositions, and 2 sets of requests for production.

4. **Joinder of Parties/Amendment of Pleadings:** Final date for the parties to amend pleadings or to join parties is **December 13, 2022.**
5. **Dispositive motions:** Dispositive motions must be filed by **June 5, 2023.**
6. **Settlement:** At this point in the case, it is too early to determine whether settlement is likely; however, the parties agree to hold open the option of mediation of this matter.

7. **Final Lists of Witnesses and Exhibits:** Final lists of witnesses and exhibits under Fed. R. Civ. P. Rule 26(a)(3) should be due 30 days before trial. Parties will have **14 days** after service of final lists of witnesses and exhibits to file objections.

8. **Trial:** This jury action should be ready for trial by **July 30, 2023.**

9. **Pretrial Conference:** Parties request pretrial conference on **June 30, 2022.**

10. **Jurisdiction by Magistrate:** Parties do not consent to the exercise of a magistrate judge.

11. **Reason for Additional Time and Depositions Proposed in Plan:** The parties agree that, given the numerous corporate entities involved in the case, additional time is required to realistically plan and schedule discovery and that the parties' proposed order provides the minimum time within which the parties can realistically complete discovery. The parties also agree that additional depositions will be relevant and helpful in developing and understanding the matter, given the number of entities involved in it, and the number of investigations, and investigators, involved in investigating the Plaintiff's many notices of error submitted to the Defendant.

DATED: October 19, 2022

Respectfully submitted,

s/ John Z. Steed  
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Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify this October 19, 2022, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

s/ John Z. Steed  
John Z. Steed, Bar #5399